IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 22187 of 2004

Between:

Bugatha Prasada Rao, S/o Late Suryanarayana,
Nagavamshapu Street, District Cooperative Central Bank,
Vizianagaram, Vizianagaram District.

..... PETITIONER

AND

1 The Commissioner of Cooperation & Registrar of Cooperative Societies, Gruhakalpa, Hyderabad.
2 The Deputy Registrar of Coop. Societies, Vizianagaram District, Vizianagaram.
3 The Joint Registrar of Coop. Societies/ Managing Director of A.P. HOUSEFED, Hyderabad & Enquiry Officer, Vizianagaram Coop. Urban Bank Ltd, Vizianagaram.
4 Vizianagaram Coop. Urban Bank Ltd, Vizianagaram, Vizianagaram District, rep. by its Chief Executive Officer.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not supplying (1)copy of the order of the Honourable Lok Ayuktha and (2) copy of the remarks submitted by the 2nd respondent before the Honourable Lok Ayuktha, referred to in the enquiry report dated 1-9-2004 submitted by the 3rd respondent, and (3) copy of the docket order dated 29-3-2004 of the 2nd respondent to the petitioner as highly illegal, arbitrary, unjust and contrary to the Principles of Natural justice and Section 76 of the Indian Evidence Act and consequently direct the 2nd respondent to supply the copies of the above documents

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU
Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

ORDER:

The petitioner is facing surcharge proceedings, and the 2nd respondent is conducting the same. The petitioner made a request to the 2nd respondent to furnish the copies of 3 orders, or proceedings, as the case may be, viz., 1) copy of the order passed by the Lok Ayuktha, that is referred to in the report of enquiry conducted under Section 51 of the A.P. Cooperative Societies Act (for short 'the Act'), 2) copy of the remarks submitted by the 2nd respondent before the Lok Ayuktha, and 3) copy of the docket order dated 29-03-2004, in the surcharge proceedings passed by the 2nd respondent.

The request of the petitioner was rejected by the 2nd respondent through his order/hearing notice, dated 20-11-2004. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Cooperation.

During the course of hearing in the surcharge proceedings, the petitioner made a request to the 2nd respondent to furnish the documents referred to above. In his reply, dated 20-11-2004, the 2nd respondent stated that it is the Lok Ayuktha and Upa- Lokayuktha, which are proper authorities, to supply the documents 1 and 2. The order is silent as to the copy of the docket order dated 29-03-2004.

The necessity for the petitioner to seek copy of the order passed by the Lok Ayuktha arose, because of the fact that it was referred to in the report prepared during the course of enquiry under Section 51, in para 73 of the report. A specific reference was made thereto. The report so submitted constituted, almost a foundation for the proceedings under Section 60 of the Act, against the petitioner. The fact that the order of Lok Ayuktha, was referred to in the report, discloses that a copy of the same is available with the 2nd respondent. Therefore, there should not have been any

difficulty in furnishing the same. So far as the 2nd document is concerned, it is purely a report submitted by the 2nd respondent, on being required by the Lok Ayuktha. The same cannot be furnished to the petitioner. The 3rd document is nothing, but the extract of the docket order dated 29-3-2004. The petitioner is entitled to be furnished the same, and the 2nd respondent can certainly furnish it.

Hence, the writ petition is disposed of, directing the 2nd respondent to furnish the copy of the order of the Lok Ayuktha referred to, in the report submitted by the 3rd respondent as well as the copy of the docket order dated 29-03-2004, within one week from the date of receipt of a copy of this order. The further steps in the surcharge proceedings shall be resumed after the said copies are furnished to the petitioner. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.02-12-2004.

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To

1. The Commissioner of Cooperation & Registrar of Cooperative Societies, Gruhakalpa, Hyderabad.
2 The Deputy Registrar of Coop. Societies, Vizianagaram District, Vizianagaram.
3 The Joint Registrar of Coop. Societies/ Managing Director of A.P. HOUSEFED, Hyderabad & Enquiry Officer, Vizianagaram Coop. Urban Bank Ltd, Vizianagaram.
4 Vizianagaram Coop. Urban Bank Ltd, Vizianagaram, Vizianagaram District, rep. by its Chief Executive Officer.
5. 2 C.Cs to G.P. for Cooperation, High Court Buildings, High Court of A.P., Hyderabad. (OUT)
6. 2 C.D. copies.